

ASSEMBLY BILL

No. 2329

Introduced by Assembly Members Ruskin and Chesbro

February 19, 2010

An act to amend Section 40824 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 2329, as introduced, Ruskin. Air pollution: hearing boards: notice requirements.

(1) Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. The State Air Resources Board is designated with the primary responsibility for the control of vehicular air pollution, and air pollution control districts and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law establishes one or more hearing boards in each district for the purposes of performing specified functions, including issuing interim variances from specified provisions of law relating to excess emissions by stationary sources and the products of stationary sources. The hearing board is required to serve reasonable notice of the time and place of the hearing to consider an interim variance application upon the district air pollution control officer and the applicant.

This bill would require a hearing board to send a notice of the hearing, not less than 3 days before the hearing, to any person who requests the notice.

By increasing the duties of a hearing board, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 40824 of the Health and Safety Code is
2 amended to read:

3 40824. In case of a hearing to consider an application for an
4 interim variance, as authorized under Section 42351:

5 (a) The hearing board shall serve reasonable notice of the time
6 and place of the hearing upon the district air pollution control
7 officer and upon the applicant, *and shall send notice of the hearing,*
8 *not less than three days prior to the hearing, to any person who*
9 *requests the notice.*

10 (b) Subdivision (b) of Section 40823 shall not apply.

11 (c) In districts with a population of less than 750,000, the
12 chairperson of the hearing board, or any other member of the
13 hearing board designated by the board, may hear an application
14 for an interim variance. If any member of the public contests a
15 decision made by a single member of the hearing board, the
16 application shall be reheard by the full hearing board within 10
17 days of the decision.

18 SEC. 2. If the Commission on State Mandates determines that
19 this act contains costs mandated by the state, reimbursement to
20 local agencies and school districts for those costs shall be made
21 pursuant to Part 7 (commencing with Section 17500) of Division
22 4 of Title 2 of the Government Code.

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